

Message

From: Keller, Lynn [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=08038B86D66A47D3AACA8BEE1A63A5A7-LKELLER]
Sent: 3/24/2018 1:14:06 AM
To: Christopher Fennessy [christopher.fennessy@Rocket.com]
CC: Bradfish, Larry [Bradfish.Larry@epa.gov]
Subject: Fwd: [EXTERNAL] RE: March 2018 Agency Technical Meeting Notes and Action Items for afternoon discussion
Attachments: ENV_ENFORCEMENT-2719075-v1-Aerojet_draft_consent_decree_January 29_2018.....docx; ATT00001.htm

Hi, Chris. Per your request, attached is the most recent CD version. Please go ahead and work with your counsel to come up with draft language to include OU10 in the CD for Larry Bradfish's review.

Thanks and have a good weekend,
Lynn

Lynn Keller
Remedial Project Manager
EPA Region 9
415-947-4162

Begin forwarded message:

From: "Gillespie, Amy (ENRD)" <Amy.Gillespie@usdoj.gov>
Date: March 23, 2018 at 9:11:11 AM PDT
To: "Butler, Thomas" <Butler.Thomas@epa.gov>, "Keller, Lynn" <Keller.Lynn@epa.gov>
Cc: "Bradfish, Larry" <Bradfish.Larry@epa.gov>
Subject: RE: [EXTERNAL] RE: March 2018 Agency Technical Meeting Notes and Action Items for afternoon discussion

Here is the draft consent decree that we last shared with Aerojet.
Yes, we were hoping to include OU10 (Area 40).

From: Butler, Thomas <Butler.Thomas@epa.gov>
Sent: Friday, March 23, 2018 12:02 PM
To: Keller, Lynn <Keller.Lynn@epa.gov>; Gillespie, Amy (ENRD) <AGillespie@ENRD.USDOJ.GOV>
Cc: Bradfish, Larry <Bradfish.Larry@epa.gov>
Subject: Re: [EXTERNAL] RE: March 2018 Agency Technical Meeting Notes and Action Items for afternoon discussion

Hi Lynn, I'm off today and don't have access to the most recent draft of the CD anyway, but Amy does. It was my impression that Larry and Amy were already contemplating adding Area 40 into the CD, right Amy?

Thomas Butler
Section Chief, Office of Regional Counsel
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San Francisco, CA 94105
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Off

On Mar 22, 2018, at 8:55 PM, Keller, Lynn <Keller.Lynn@epa.gov> wrote:

Hi, Thomas.

I know Larry is out until 29 March, and you may likely just want to wait until he's back for this, which is fine... But, by any chance, (1) do you have the most recent version of the CD for RD/RA oversight costs at Aerojet that Larry is working on with Aerojet and DOJ? And, (2) if you do have it, would you be willing to send the most recent version over to Aerojet to allow them to take a stab at adding draft language in there for OU10 (Area 40) oversight?

OU10 needs to be added in the CD anyway as it will soon transition beyond the ROD and no longer be covered by the RI/FS Partial Consent Decree. Larry and I discussed the potential of getting oversight language right in the CD that would negate the need for EPA to issue a separate OU10 order. If EPA did an order for OU10 it would just be to recoup OU10 oversight costs and tell Aerojet to implement the State's RAP, which seems like a lot of work if we could just cover that in the CD.

No worries if you don't want to get into this while Larry's away—I know there's a lot going on.

Have a great weekend,
Lynn

Lynn M. Keller, EI, PMP
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From: Fennessy, Christopher [<mailto:christopher.fennessy@Rocket.com>]

Sent: Thursday, March 22, 2018 8:44 PM

To: Keller, Lynn <Keller.Lynn@epa.gov>

Subject: RE: [EXTERNAL] RE: March 2018 Agency Technical Meeting Notes and Action Items for afternoon discussion

Alternatively, if you have a copy of the CD, you can send to me and I will send to Bill to incorporate language and send back before Larry returns. He can review our edits.

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Email: Christopher.Fennessy@Rocket.com

From: Keller, Lynn [<mailto:Keller.Lynn@epa.gov>]
Sent: Thursday, March 22, 2018 8:42 PM
To: Fennessy, Christopher
Cc: MacNicholl, Peter@DTSC (Peter.MacNicholl@dtsc.ca.gov)
(Peter.MacNicholl@dtsc.ca.gov); MacDonald, Alex@Waterboards
(Alex.MacDonald@waterboards.ca.gov); jrohrer@dtsc.ca.gov; ROJAS-MICKELSON,
DAEWON; Hanley, Valerie@DTSC; Varljen, Mark
Subject: RE: [EXTERNAL] RE: March 2018 Agency Technical Meeting Notes and Action
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Ok; I'll fwd this to Larry and discuss when he's back on 29 Mar.

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From: Fennessy, Christopher [<mailto:christopher.fennessy@Rocket.com>]
Sent: Thursday, March 22, 2018 8:40 PM
To: Keller, Lynn <Keller.Lynn@epa.gov>
Cc: MacNicholl, Peter@DTSC (Peter.MacNicholl@dtsc.ca.gov)
(Peter.MacNicholl@dtsc.ca.gov) <Peter.MacNicholl@dtsc.ca.gov>; MacDonald,
Alex@Waterboards (Alex.MacDonald@waterboards.ca.gov)
<Alex.MacDonald@waterboards.ca.gov>; jrohrer@dtsc.ca.gov; ROJAS-MICKELSON,
DAEWON <rojas-mickelson.daewon@epa.gov>; Hanley, Valerie@DTSC
<Valerie.Hanley@dtsc.ca.gov>; Varljen, Mark <Mark.Varljen@Rocket.com>
Subject: RE: [EXTERNAL] RE: March 2018 Agency Technical Meeting Notes and Action
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Agreed. I have already mentioned to our attorney. Waiting for response. Why don't
you have your Larry modify the CD as you feel necessary to include the Area 40
language and then send to Bill Hvidsten.

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From: Keller, Lynn [<mailto:Keller.Lynn@epa.gov>]
Sent: Thursday, March 22, 2018 7:12 PM
To: Fennessy, Christopher
Cc: MacNicholl, Peter@DTSC (Peter.MacNicholl@dtsc.ca.gov)
(Peter.MacNicholl@dtsc.ca.gov); MacDonald, Alex@Waterboards
(Alex.MacDonald@waterboards.ca.gov); jrohrer@dtsc.ca.gov; ROJAS-MICKELSON,
DAEWON; Hanley, Valerie@DTSC; Varljen, Mark

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I thought of one other thing that should be included, Chris. At the meeting yesterday we identified an action item for you to speak with your counsel on the idea of including a stipulation in the CD for RD/RA oversight costs to include EPA oversight costs on A40 through RD/RA. Currently the draft CD does not mention OU10, so it would need to be modified anyway to include it. The hope is that by including a stipulation for OU10 in the CD it would negate the need for EPA to issue a separate order for A40 cleanup, just to allow EPA to recoup oversight costs and request that AR clean up the site according to the RAP. Our attorneys should discuss this issue soon, before the CD is finalized.

Thank you,
Lynn

Lynn M. Keller, EI, PMP
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From: Keller, Lynn

Sent: Thursday, March 22, 2018 4:31 PM

To: Fennessy, Christopher <christopher.fennessy@Rocket.com>

Cc: MacNicholl, Peter@DTSC (Peter.MacNicholl@dtsc.ca.gov)
(Peter.MacNicholl@dtsc.ca.gov) <Peter.MacNicholl@dtsc.ca.gov>; MacDonald, Alex@Waterboards (Alex.MacDonald@waterboards.ca.gov)
<Alex.MacDonald@waterboards.ca.gov>; jrohrer@dtsc.ca.gov; ROJAS-MICKELSON, DAEWON <rojas-mickelson.daewon@epa.gov>; Hanley, Valerie@DTSC
<Valerie.Hanley@dtsc.ca.gov>; Varljen, Mark <Mark.Varljen@Rocket.com>

Subject: Re: March 2018 Agency Technical Meeting Notes and Action Items for afternoon discussion

Great notes, Chris-thank you.

The only thing I'd like added is that EPA's FS comments are also focused on the ARARs. The FS needs only one set of project ARARs adopted by the agencies and carried through to the RAP and ROD. Just wanted to clarify that the ARAR issue is also with the FS.

Thank you for taking such good notes,
Lynn

Lynn Keller
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On Mar 22, 2018, at 10:33 AM, Fennessy, Christopher
<christopher.fennessy@Rocket.com> wrote:

Protectiveness Determination

- Aerojet and EPA both would like EPA to be able to make a statement to EPA senior management that the Aerojet remedy is protective of public health and the environment
- Groundwater – EPA stated that it could make a protectiveness statement for groundwater as long as there is not a realized risk today and we have a plan that:
 - o identifies all the vulnerabilities and a trigger (sentinel well) for each vulnerability
 - o specifies monitoring requirements and response requirements (remedy implementation requirements) if a trigger event occurs for each vulnerability
 - o includes calculations and schedules for the time from trigger event to realized risk and the time to respond to a trigger event
 - o ensures that the time to respond to trigger event is shorter than the time between trigger event and realized risk
- **Mark to prepare initial list of vulnerabilities by April 6.**
- Vapor Intrusion – EPA stated that it could make a protectiveness statement following the review of the March VI report and following confirmation that all of the immediate risks have been addressed and a plan is in place for all of the long term risks.

Ready for Reuse – EPA stated that AR can plan for a 4-6 month time for EPA to prepare a ready for reuse determination letter once all documentation has been provided to EPA.

Winter Indoor Air Sampling Event Update – Provided summary of February 2018 monitoring results. **Chris to forward results to Valerie Hanley.**

Ambient Air Sampling Event Update – Provided summary of February 2018 monitoring results. **Chris to forward results to Valerie Hanley.** AR requested EPA to review purpose for final round of ambient air monitoring. AR feels that since the risk has been identified and selected remedy requires source removal followed by monitoring to confirm that the existing ambient air issue has been resolved, there is no longer a need to continue pre-source removal ambient air monitoring. **Lynn to confirm with EPA risk and VI folks.**

Area 40 Soil Vapor monitoring - AR requested DTSC to review purpose for additional rounds of soil vapor sampling to evaluate temporal trends. **Chris to forward e-mail from Chris to Peter regarding vapor sampling to Valerie Hanley.** AR feels that since the risk has been identified and selected remedy requires vapor mitigation beneath all structures regardless of soil vapor concentration and source removal followed by monitoring to confirm that the soil vapor concentrations are not above VM thresholds, there is no longer a need to continue pre-source removal soil vapor monitoring. **Peter to confirm with DTSC GSU folks.**

Review of FS/RAP comments – DTSC stated they would have formal comments on FS by March 23. EPA stated that due to staff limitations, FS comments would not be available until April 6. However, EPA stated

that there are not about the remedy, rather whether the risks are portrayed and addressed correctly in the FS. AR reiterated that the schedule is to issue the RAP along with CEQA document to public by May 1. **Chris to schedule CEQA public participation kick off meeting. Chris to schedule a court reporter for the May CAG meeting.**

ARAR discussion – EPA having difficulty with ARARs that will be defined in RAP and how their ROD will present ARARs. **Alex to schedule meeting between EPA and State, with attorneys to resolve EPA ARAR issue.**

CEQA – USEPA reviewing need for NEPA because EPA had comments on the EIS that they feel the City of Folsom did not address. AR stated that the developers are submitting 404 permit applications for each of the developments as they occur. The developers have not submitted the 404 permit application for the development that includes Area 40. AR stated that it is premature to process a 404 permit application now; however, it would go through the 404 permitting process once the details of the remedy are flushed out in the remedial design documents. **Lynn to follow up with EPA to confirm that NEPA is not required at this time.**

DTSC oversight MOU – EPA stated that it was just about finished with the language and ready to send back to DTSC for final review and signature. MOU will include remedy implementation. AR has provided DTSC language that shows that PCD can be interpreted to cover preparation of additional documents and the oversight costs associated with these documents. **Chris to send this language to Lynn.**

Let me know if I missed anything. Chris

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